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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,303	07/21/2004	Katsumi Koza	F-8309	1602
7590 Jordan & Hamburg 122 East 42nd Street New York, NY 10168				
		EXAMINER ALEJANDRO, RAYMOND		
		ART UNIT 1795		
		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/502,303

Applicant(s)

KOZO ET AL.

Examiner

Raymond Alejandro

Art Unit

1795

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This office action is responsive to the amendment filed 01/10/08. The applicant has overcome the objections and the 35 USC 112 rejection. The rejection under Section 102 has been sustained in view of the insufficiency of applicant's arguments and amendments to overcome the art of record. Refer to the abovementioned amendment for specific details on applicant's rebuttal arguments. Therefore, all pending claims are finally rejected over the same art as postulated infra and for the reasons of record:

Claim Disposition

1. Claims 5-15 have been cancelled.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

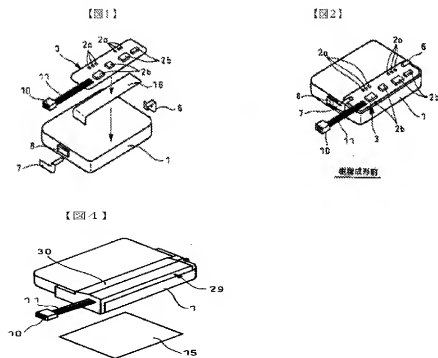
3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being CLEARLY anticipated by the Japanese publication JP 2000-215483 (heretofore the JP'483).

The present invention is drawn to a battery pack wherein the disclosed inventive concept comprises the specific molded resin covering the battery pack.

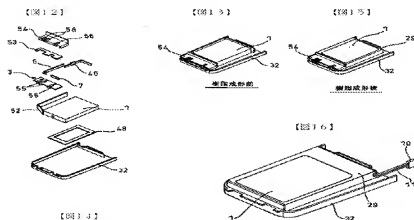
With respect to claims 1-2:

The JP'483 discloses a battery cell 1 including a circuit board (*the substrate*) electrically connected to the respective positive and negative battery terminals 6, 7; and wherein the battery is placed in molds 17a, 17b to be poured with a resin and at least the circuit 3 is coated with and formed of the resin among the circuit board 3 and the positive and negative electrode terminals (ABSTRACT/P0012, 0027-0029).

Reference numeral 29 is the resin shaped section representing the solidified molded resin partly covering the battery terminals as well as a substantial portion of battery cell 1 (See **FIGURES 1-2 and 4**/P0031 & 0037-0039). The resin shaped section 29 also includes the openings through which terminals 6, 7 are exposed to the outside (See FIGURE 4). Cell 1 is bottomed tube-shaped (See FIGURE 1); additionally, reference numeral 14 is a heat-shrinkable tube section wrapping cell 1 (P0002).



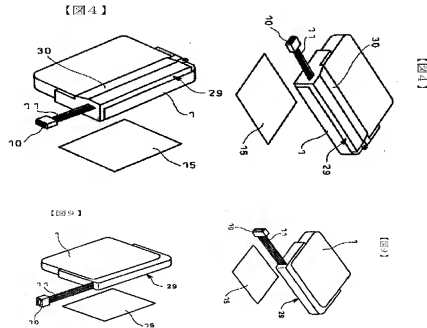
Figures 12-16 below also illustrate additional assembling components which can be considered to include a sealing plate and the sheet (the lid 32, or the doubled side element 48, or the element 40) permitting the battery terminals to be exposed to the outside (FIGURES 12-16). Note that resin shaped section 29 includes upper/lower resin sections and the openings through which terminals 6, 7 are exposed to the outside (See FIGURE 4) is in contact with the lid 32.



Additionally, face plate 15 (P0027) (See **FIGURE 9** below) may represent the claimed sheet.

With respect to claims 3-4:

It can be appreciated from observing **FIGURES 4 & 9 and rotated FIGURES 4 & 9** below that resin shaped section 29 does include respective upper and lower portions being coupled with an extended member or arm running along a side of the battery cell 1 (*the part being directly pointed by reference numeral 29*) which are integrally formed. Right angles or 90° bent portions can also be appreciated at parts where the extended member joins the upper portion and the lower portion respectively.



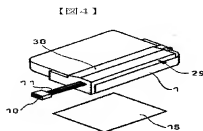
Therefore, the present claims are anticipated.

Response to Arguments

4. Applicant's arguments filed 01/10/08 have been fully considered but they are not persuasive.
5. The discussion of applicant's arguments concentrates on the assertion that "*the type of connection [in the prior art] does not constitute the claimed exposed surface of a terminal contact disposed on the substrate which is exposed through an opening in the molded resin, contact connections through the cable do not constitute an exposed surface of a terminal contact that is disposed on the substrate*".

In reply, as seen in FIGURE 4 below, elements 10, 11 (connector 10 and cable 11) in combination with terminal pieces 6 and 7 still read on applicant's apparent inventive concept.

The present claim fails to stipulate whether or not the claimed terminal contact are a single-unitary piece or a combination of multiple conductive elements as taught by the art of record.



In light of no critical distinction between what is the specific structure of the terminal contact intended by the applicant (single piece, two pieces, three pieces, and the likes), it is strenuously contended that the molded resin, terminal conductive element, substrate and battery of the JP'483 fully circumscribe applicant's not sufficiently-defined invention.

6. With respect to the molded resin, it is noted that resin shaped section 29 includes respective lower and upper portions in ALL of the disclosed embodiments. If applicant is intending to assign particular locations to the upper molded resin and lower molded resin as instantly argued, then the present claims must be amended to reflect the particular spatial orientation or structural arrangement argued but unclaimed by the applicant. Applicant is reminded that unclaimed elements or features cannot be the basis for defining patentable subject matter.

7. With respect to the arguments that "*the connection pieces are bendable*", the examiner does not appreciate applicant's comment or language stating that "*this has nothing to do with the claimed subject matter*". Such an intimidating language is inappropriate in this kind of professional environment. Even though applicant tried it, the examiner does not feel intimidated at all. Such a comment does not intimidate this PTO officer. The examiner made a tremendous

effort to make a complete and clear action in the prior office action which was not appreciated by the applicant. Nevertheless, for sake of responding to applicant's arguments, the term "*bendable*" is not a positive limitation per se; "*bendable*" means that it is "able to bend" or just having the ability to do so. Since the art of record shows "bent" elements (elements already bent, or with a proved ability to bend), the examiner has shown more than requested. As such, everything has to do with the claimed subject matter.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond Alejandro whose telephone number is (571) 272-1282. The examiner can normally be reached on Monday-Thursday (8:00 am - 6:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raymond Alejandro/
Primary Examiner, Art Unit 1795